



ATTACHMENT A

Remarks

Considering the matters raised in the Office Action in the same order as raised, previously presented claims 1-21 have been rejected, for the first time, under 35 USC 101 "because the claimed invention is directed to non-statutory subject matter." The Examiner has contended that the "language of the claim raise a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basic of statutory subject matter under 35 U.S.C. 101." In order to expedite the prosecution, the independent claims have been amended so as to overcome this rejection, and thus it is respectfully submitted that the rejection can now be properly withdrawn.

Considering the latter point in more detail, independent claims 1, 11 and 14 have been amended to refer to a computer system or in the case of claim 11, a computer registry. Thus, it is respectfully submitted that the rejection of claims 1-21 under 35 USC 101 has been overcome.

Claims 1-21 have also been rejected under 35 USC 103(a) as being "unpatentable over" the previously cited Peng patent in view of the newly cited Howe et al ("Howe") patent. This rejection is respectfully traversed.

Claims 1, 11 and 14 all recite that at least one of the three variables claimed is a physical location variable. Although the claims are obviously not limited to these examples, as provided for in the instant application, examples of such physical locations include home, living room, kitchen, etc. (e.g., as shown in the drawings).

The Examiner acknowledges that "Peng does not explicitly teach a physical location" but relies on the Howe patent as making up this deficiency in the teachings of the Peng reference. In this regard, the Examiner contends that "Howe teaches at a physical location variable (as a value is in a system registry "C:\test.ini) (col. 10, lines 54-60)." The Examiner concludes that based on this teaching, "it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to identify a variables is a physical location as disclosed by Howe because it would speed up a searching process of Peng's system if

a user provides a physical location to identify, for example, where a file resides at." The contentions of the Examiner here are respectfully traversed.

Howe, at the lines in question, merely provides, in connection with a discussion of statements of a particular general format, that another general format includes "C:\test.ini" wherein "C:\test.ini" is the "INI file to create/change."

It is respectfully submitted that the statement portion in question is not a physical location variable as claimed and that, moreover, the reasoning provided in support of the proposed combination is not well taken. In this regard, Howe is concerned with dynamic distribution of system file and system registry changes in a distributed data processing system wherein an "application package" (consisting of system files and registry changes) is added to a user. When the user logs on, the detection of a "package" is made if the package is not already installed on the client machine. A batch file is used to copy those files and make the registry changes to the local machine. A "key" is then set on the machine indicating that the file/registry entries are installed. It is respectfully submitted that this has nothing to do with the method and apparatus of the Peng patent which are concerned with providing personalized application search results for wireless devices based on user profiles. Moreover, the contention that the combination would "speed up a searching process" of the Peng system does not follow from the actual teachings of the Peng reference (see, e.g., the Abstract).

In summary, it is respectfully submitted that the combination of the Peng and Howe references is necessarily the improper product of hindsight, and that, moreover, no fair combination of the teachings of these two references would result in the present invention as claimed in independent claims 1, 11 and 14.

Turning to the dependent claims, these claims are patentable for at least the reasons set forth above in support of the patentability of the claims parent thereto and, in addition, some of these claims include separately patentable features.

It is noted that three new dependent claims, claims 22-24, have been added, which set forth a feature of the present invention that was referred to in a previous response but which, as pointed out by the Examiner in the ensuing Office Action, was not specifically set forth in the claims. In particular, claim 22 recites that at least one of the stored data further includes preference data, whereas claim 23 recites that at least

one of the stored data stored in the computer registry includes preference data and claim 24 is similar to claim 1. It is respectfully submitted that there is no teaching in either of the references of storing such preference data. Although, again, the claims are not limited to this particular supporting description, as described in the instant specification, this preference data may include a particular combination of an "identifier" 105 and a "value" 120 as illustrated in Figure 2 and described in the second full paragraph on page 7 of the specification. Again, it is respectfully submitted that claims 22, 23 and 24 are separately patentable over the references relied on.

Allowance of the application in its present form is respectfully solicited.

END REMARKS